

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to matters involving the state board of
2 education and the department of education to reflect current
3 practices, technology, and titles, to delete redundancies,
4 and to resolve inconsistencies.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.56, Code 2020, is amended to read as
2 follows:

3 **256.56 Electronic access to documents.**

4 The state library shall work to develop a system of
5 electronic access to documents maintained by the state
6 library with a goal of providing electronic access to all such
7 documents. The access shall be provided ~~initially through~~
8 ~~the use of compact disc~~ using a current, widely accepted and
9 utilized technology. This section shall not prohibit the state
10 librarian from considering other forms of electronic access if
11 the use of such other access is shown to exceed the benefits
12 of, and is more cost-effective than, the ~~use of compact disc~~
13 currently used technology.

14 Sec. 2. Section 256A.2, subsection 1, paragraphs a and f,
15 Code 2020, are amended to read as follows:

16 a. The administrator of the division of ~~child adult~~,
17 children and family services of the department of human
18 services or the administrator's designee.

19 f. The dean of the college of ~~family and consumer~~ human
20 sciences at Iowa state university of science and technology or
21 the dean's designee.

22 Sec. 3. Section 256A.3, subsections 4 and 7, Code 2020, are
23 amended by striking the subsections.

24 Sec. 4. Section 257.6, subsection 1, paragraph a,
25 subparagraph (3), Code 2020, is amended to read as follows:

26 (3) Shared-time and part-time pupils of school age enrolled
27 in public schools within the district, irrespective of the
28 districts in which the pupils reside, in the proportion that
29 the time for which they are enrolled or receive instruction for
30 the school year is to the time that full-time pupils carrying
31 a normal course schedule, at the same grade level, in the
32 same school district, for the same school year, are enrolled
33 and receive instruction. Tuition charges to the parent or
34 guardian of a shared-time or part-time nonresident pupil shall
35 be reduced by the amount of any increased state aid received by

1 the district by the counting of the pupil. This subparagraph
2 applies to pupils enrolled in grades nine through twelve under
3 section 299A.8 and to pupils from accredited nonpublic schools
4 accessing classes or services on the accredited nonpublic
5 school premises under section 256.12 or on the school district
6 site, but excludes accredited nonpublic school pupils receiving
7 classes or services funded entirely by federal grants or
8 allocations.

9 Sec. 5. Section 279.42, Code 2020, is amended to read as
10 follows:

11 **279.42 Gifts to schools.**

12 The board of directors of a school district that receives
13 funds through a gift, devise, or bequest shall deposit the
14 funds in a trust fund, permanent fund, or ~~agency~~ custodial
15 fund and shall use the funds in accordance with the terms of
16 the gift, devise, or bequest.

17 Sec. 6. Section 282.18, subsection 8, Code 2020, is amended
18 to read as follows:

19 8. a. If a request filed under this section is for a child
20 requiring special education under chapter 256B, the request to
21 transfer to the other district shall only be granted if the
22 following conditions are met:

23 (1) The receiving district maintains a special education
24 instructional program which is appropriate to meet the child's
25 educational needs and the enrollment of the child in the
26 receiving district's program would not cause the size of the
27 class or caseload in that special education instructional
28 program in the receiving district to exceed the maximum class
29 size in or caseload established pursuant to rules adopted by
30 the state board of education for that program.

31 (2) If the child would be assigned to a general education
32 class, there is sufficient classroom space for the general
33 education class to which the child would be assigned.

34 b. For children requiring special education, the board
35 of directors of the district of residence shall pay to the

1 receiving district the actual costs incurred in providing the
2 appropriate special education.

3 Sec. 7. Section 298A.13, Code 2020, is amended to read as
4 follows:

5 **298A.13 Trust, permanent, or agency custodial funds.**

6 Trust, permanent, or agency custodial funds shall be
7 established by any school corporation to account for gifts it
8 receives to be used for a particular purpose or to account for
9 money and property received and administered by the district
10 as trustee or custodian or in the capacity of an agent. Boards
11 may establish trust, permanent, or agency custodial funds as
12 necessary.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill updates the titles of certain entities represented
17 by members of the child development coordinating council and
18 eliminates certain duties required of the council, updates
19 language relating to school district agency funds, revises
20 provisions relating to children requiring special education
21 under the open enrollment law, adds a reference to a provision
22 relating to the actual enrollment of shared-time and part-time
23 pupils, and modifies language relating to technology used by
24 the state librarian.

25 STATE LIBRARY — TECHNOLOGY. Language requiring the
26 state library to develop a system of electronic access to
27 documents the state library maintains is updated to replace a
28 reference to outdated technology with language that requires
29 the state library to use current, widely accepted and utilized
30 technology, though the state librarian is authorized to
31 consider other forms of electronic access that are more
32 cost-effective.

33 CHILD DEVELOPMENT COORDINATING COUNCIL. The titles
34 of certain entities represented by members of the child
35 development coordinating council are updated to the division

1 of adult, children and family services under the department of
2 human services and the college of human sciences at Iowa state
3 university to reflect prior name changes of those entities.
4 The bill eliminates provisions requiring the council to make
5 recommendations to the department of education and the general
6 assembly regarding curricula, staff qualifications, training,
7 and the development of an at-risk children definition; and
8 requiring the council to encourage the establishment of
9 regional councils.

10 SHARED-TIME AND PART-TIME PUPILS ENROLLMENT. Under the Code
11 provision used to determine the certified enrollments of school
12 districts, the provision relating to shared-time and part-time
13 pupils from accredited nonpublic schools who are enrolled in
14 public schools to access classes or services on the accredited
15 nonpublic school premises is amended to add a reference to Code
16 section 256.12, which describes the manner in which school
17 districts may provide classes and services to private school
18 students and receive funding for providing such instruction and
19 services.

20 SCHOOL DISTRICT AGENCY FUNDS. The term "agency fund",
21 describing a fund maintained by a school district, is replaced
22 with the term "custodial fund".

23 OPEN ENROLLMENT REQUESTS FOR CHILDREN REQUIRING SPECIAL
24 EDUCATION. Currently, a receiving school district need only
25 grant the open enrollment request of a child requiring special
26 education if the district maintains a special education
27 instructional program appropriate to meet the child's
28 educational needs and such enrollment would not cause the
29 appropriate class to exceed the maximum class size under rules
30 adopted by the state board of education. In addition to not
31 causing the class to exceed the maximum class size, the bill
32 provides that the enrollment of the child must not cause
33 the caseload to exceed the maximum caseload in that special
34 education instructional program under rules adopted by the
35 state board and there must be sufficient classroom space for

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1 the general education classes to which the child would be
2 assigned.